

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

June 26, 2009

No. 09-20199

4:99cv4425

Charles R. Fulbruge III
Clerk

CANATXX ENERGY VENTURES INC,

Plaintiff - Appellant Cross-Appellee

United States Courts
Southern District of Texas
FILED

versus

JUL 06 2009

GENERAL ELECTRIC CAPITAL CORPORATION,

Clerk of Court

Defendant - Appellee Cross-Appellant

Appeals from the United States District Court for the
Southern District of Texas, Houston

Pursuant to cross-appellant's motion, the cross-appeal filed April 3, 2009,
is dismissed this 26th day of June, 2009, see FED. R. APP. P. 42(b).

Clerk of the United States Court
of Appeals for the Fifth Circuit

By: *James deMontluzin*
James deMontluzin, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT

DIS4

A true copy
Attest:
Clerk, U.S. Court of Appeals, Fifth Circuit
By: *James deMontluzin*
Deputy
New Orleans, Louisiana

No. 09-20199

U.S. COURT OF APPEALS
FILED

In the
**United States Court of Appeals
for the Fifth Circuit**

CHARLES R. FULBRIDGE, III
CLERK
United States Courts
Southern District of Texas
FILED

JUL 06 2009

Clerk of Court

CANATXX ENERGY VENTURES, INC.

Plaintiff-Appellant-Cross-Appellee,

v.

GENERAL ELECTRIC CAPITAL CORP.,

Defendant-Appellee-Cross-Appellant.

On Appeal from the United States District Court
for the Southern District of Texas, Houston Division
No. 4:99-cv-4425, Kenneth M. Hoyt, Judge Presiding

**GENERAL ELECTRIC CAPITAL CORPORATION'S
UNOPPOSED MOTION TO DISMISS CROSS-APPEAL**

R. Paul Yetter
Marc S. Tabolsky
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[Fax] (713) 632-8002

ATTORNEY FOR APPELLANT-CROSS-
APPELLEE GENERAL ELECTRIC CAPITAL
CORPORATION

Appellee-Cross-Appellant General Electric Capital Corporation (GECC) respectfully requests that this Court dismiss GECC's cross-appeal in Case No. 09-20199 pursuant to Federal Rule of Appellate Procedure 42(b). Appellant-Cross-Appellee Canatxx Energy Ventures, Inc. does not oppose this motion. GECC and Canatxx agree that each side will bear its own costs with respect to this appeal.

Respectfully submitted,

R. Paul Yetter

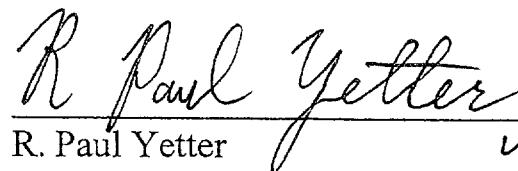
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*w/ permission
M. Tabolsky*

ATTORNEY FOR APPELLANT-CROSS-
APPELLEE GENERAL ELECTRIC CAPITAL
CORPORATION

CERTIFICATE OF CONFERENCE

As required by Fifth Circuit Rule 27.4, I certify that Bruce Coulombe, counsel for Canatxx Energy Ventures, Inc., has been contacted regarding this motion. Mr. Coulombe stated that the motion is unopposed.

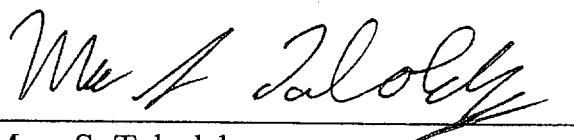

R. Paul Yetter *w/ permission
M. Tabolsky*

CERTIFICATE OF SERVICE

I certify that General Electric Capital Corporation's Unopposed Motion to Dismiss Cross-Appeal was filed with the Court by first class mail, on the 24th day of June, 2009, and a copy was served on all counsel of record, as listed below, by first class mail on the same date:

Guy E. Matthews
Bruce Coulombe
MATTHEWS, LAWSON & BOWICK
2000 Bering Drive, Suite 700
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*Attorneys for Appellee
Canatxx Energy Ventures, Inc.*


Marc S. Tabolsky